

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

BRINK'S NETWORK, INCORPORATED,

Opposer,

v.

THE BRINKMANN CORPORATION,

Applicant.

TTAB
76,483 115

Opposition No. 91164764

APPLICANT BRINKMANN'S MOTION TO COMPEL DISCOVERY

Applicant The Brinkmann Corporation, pursuant to RULE 37 of the FEDERAL RULES OF CIVIL PROCEDURE and 37 C.F.R. § 2.120(e), hereby moves the Trademark Trial and Appeal Board to compel Opposer Brink's Network, Incorporated to respond to Applicant's Amended First Set of Interrogatories to Brink's Network Incorporated. Applicant moves the Board to stay these proceedings pending disposition of this motion and reset discovery and testimony periods upon resumption of the proceedings.

As grounds for this motion, Applicant states as follows:

02-05-2007

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

1. Applicant served a First Set of Interrogatories on Opposer on September 22, 2005.

2. In response to Applicant's First Set of Interrogatories, Opposer served a General Objection on October 24, 2005, refusing to respond on the ground that the interrogatories, counting subparts, allegedly exceeded seventy-five (75) in number.

3. The Board suspended these proceedings on March 9, 2006 while deciding another discovery dispute, namely Opposer's Motion to Compel Discovery from Applicant. On December 12, 2006, the Board issued an Order ruling on Opposer's Motion and resumed these proceedings. By its Order, the Board also reset the discovery and testimony periods, with the discovery period currently set to close on February 15, 2007.

4. Upon resumption of these proceedings, Applicant served an Amended First Set of Interrogatories on Applicant on December 13, 2006.

5. Opposer served another General Objection to Applicant's Amended First Set of Interrogatories and First of Interrogatories on January 11, 2007, claiming that the total number of interrogatories in both the First Set of Interrogatories and the Amended First Set of Interrogatories allegedly exceeded seventy-five (75) in number.

6. As a safeguard, Applicant served a Notice of Taking Deposition of Brink's Network under FED. R. CIV. P. 30(b)(6) on January 16, 2007. The deposition notice designated as matters for examination those topics generally contained in the Amended First Set of Interrogatories. The deposition was noticed for January 31, 2007.

7. Applicant and Opposer's counsel met and conferred by telephone on January 19, 2007 to discuss Opposer's General Objection to the Amended First Set of Interrogatories. Counsel for Applicant asked whether Opposer would consent to service of the Amended First Set of Interrogatories, pursuant to Section 405.03(e) of the Trademark Board Manual of Procedure, so that the parties could avoid the time and expense involved in a motion to compel discovery. Opposer's counsel refused to consent.

8. In view of Opposer's absolute refusal to cooperate and provide any interrogatory responses, Applicant canceled the deposition of Brink's Network under FED. R. CIV. P. 30(b)(6) with the intent of re-noticing the deposition following disposition of this motion.

9. Opposer's refusal to cooperate has made it necessary for Applicant to bring this motion to compel.

In accordance with 37 C.F.R. § 2.120(e)(2), Applicant certifies that its counsel made a good faith effort by telephone and written correspondence with Opposer's counsel to resolve the issue presented by this Motion to Compel, and has been unable to reach an agreement because of Opposer's refusal to cooperate and accept service of the Amended First Set of Interrogatories.

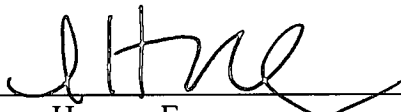
For the reasons set forth above, Applicant requests that the Board grant Applicant's motion to compel and direct Opposer to serve substantive responses to Applicant's Amended First Set of Interrogatories.

The current discovery period is set to end on February 15, 2007. Applicant also requests that the Board stay proceedings pending disposition of this Motion and reset the discovery and testimony periods upon the Board's resumption of these proceedings. Regardless of whether the Board grants Applicant's Motion, Applicant respectfully requests that the Board extend the discovery period for the specific purpose of allowing Applicant to take the deposition of Brink's Network under FED. R. CIV. P. 30(b)(6). Applicant would prefer to first receive interrogatory responses and then use the deposition to delve more deeply into the responses as needed, but if for any reason the Board does not order Opposer to respond to the amended

interrogatories, Applicant would use the deposition to gain the requested information in the first instance.

A memorandum in support of this motion is submitted concurrently herewith.

Dated: February 2, 2007

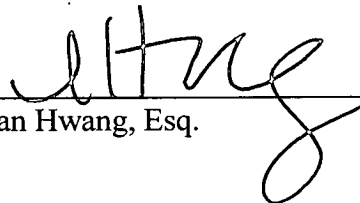


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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

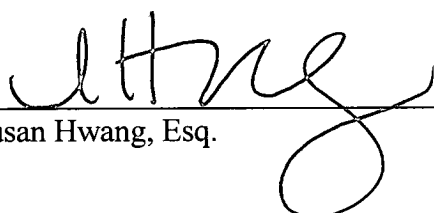
I hereby certify that the foregoing "Applicant Brinkmann's Motion to Compel Discovery" is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on February 2, 2007.



Susan Hwang, Esq.

CERTIFICATE OF SERVICE

This is to certify that I have this day, February 2, 2007, caused to be served a copy of the foregoing "Applicant Brinkmann's Motion to Compel Discovery" by hand-delivery to: Nancy S. Lapidus, counsel for Opposer, at Howrey LLP, 1299 Pennsylvania Avenue, N.W., Washington, DC 20004.



Susan Hwang, Esq.

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THE BRINKMANN CORPORATION,

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**MEMORANDUM IN SUPPORT OF APPLICANT BRINKMANN'S MOTION TO
COMPEL DISCOVERY**

I. INTRODUCTION

Applicant The Brinkmann Corporation, pursuant to Rule 37 of the FEDERAL RULES OF CIVIL PROCEDURE and 37 C.F.R. § 2.120(e), hereby moves the Trademark Trial and Appeal Board to compel Opposer Brink's Network, Incorporated to respond to Applicant's Amended First Set of Interrogatories. Applicant also requests that the Board stay these proceedings pending disposition of this motion and reset discovery and testimony periods upon resumption of the proceedings.

II. FACTS

Applicant filed an application on January 17, 2003 for the mark BRINKMANN, Serial No. 76/483,115, applied for in connection with a variety of goods, including motion sensitive home security lights and related components, in International Class 9. The application was published for opposition on October 5, 2004.

Opposer filed a notice of opposition on April 1, 2005 against Applicant's Application Serial No. 76/483,115, for those goods in International Class 9, and Applicant answered the notice of opposition on May 13, 2005.

Opposer served a First Set of Interrogatories and a First Set of Requests for Production of Documents and Things on Applicant on September 6, 2005, and subsequently served a Notice of Taking Discovery Deposition on September 19, 2005.

In turn, Applicant served a First Set of Interrogatories on Opposer on September 22, 2005.

In response to Applicant's First Set of Interrogatories, Opposer served a General Objection on October 24, 2005, refusing to respond on the ground that the interrogatories, counting subparts, allegedly exceeded seventy-five (75) in number. A true copy of Applicant's First Set of Interrogatories is attached hereto as Exhibit A. A true copy of Opposer's General Objection is attached hereto as Exhibit B.

Opposer then filed a Motion to Compel Discovery on December 8, 2005, approximately two weeks before the discovery cut-off date of December 21, 2005, claiming that Applicant was required to produce discovery in response to the discovery requests that Opposer served in September 2005.

The Board suspended these proceedings on March 9, 2006 pending a decision on Opposer's Motion to Compel. On December 12, 2006, the Board issued an Order ruling on Opposer's Motion and resumed these proceedings. By its Order, the Board also reset the discovery and testimony periods, with the discovery period currently set to close on February 15, 2007. A true copy of the Board's Order is attached hereto as Exhibit C.

Upon resumption of these proceedings, Applicant served an Amended First Set of Interrogatories on Applicant on December 13, 2006. A true copy of Applicant's Amended First Set of Interrogatories is attached hereto as Exhibit D.

Opposer served another General Objection to Applicant's Amended First Set of Interrogatories and First of Interrogatories on January 11, 2007, claiming that the total number of interrogatories in both the First Set of Interrogatories and the Amended First Set of Interrogatories allegedly exceeded seventy-five (75) in number. Without citing to any rules or regulations, Opposer also asserted that Applicant was precluded from serving discovery, because the Board's Order "did not contemplate giving Applicant a second chance at serving discovery." A true copy of Opposer's General Objection is attached hereto as Exhibit E.

As a safeguard, Applicant served a Notice of Taking Deposition of Brink's Network under FED. R. CIV. P. 30(b)(6) on January 16, 2007, designating as matters for discussion those topics generally contained in the First Set of Interrogatories and Amended First Set of Interrogatories. The deposition was noticed for January 31, 2007. A true copy of Applicant's Notice of Taking Deposition is attached hereto as Exhibit F.

On January 19, 2007, Applicant and Opposer's counsel met and conferred by telephone to discuss Opposer's objection to responding to Applicant's Amended First Set of Interrogatories. Counsel for Opposer stated that Applicant's First of Interrogatories, including subparts, allegedly exceeded seventy-five (75) in number, and that Applicant should have filed a motion to compel or contacted Opposer to "discuss" the interrogatories, rather than serving the Amended First Set of Interrogatories. Counsel for Applicant asked whether, leaving aside the issue of proper procedure, Opposer would simply consent to service of the Amended First Set of Interrogatories so that the parties could avoid the time and expense involved in another motion to

compel discovery. Opposer's counsel refused, stating that Applicant would have to file a motion to compel and obtain an order from the Board for Brink's Network to respond.

Applicant, through counsel, sent a letter to Opposer on January 19, 2007 confirming the telephone conference. A true copy of Applicant's letter is attached hereto as Exhibit G.

In view of Opposer's absolute refusal to cooperate and provide any interrogatory responses, Applicant canceled the deposition of Brink's Network under FED. R. CIV. P. 30(b)(6) with the intent of re-noticing the deposition following disposition of this motion.

To date, Opposer has refused to respond to Applicant's Amended First Set of Interrogatories, leaving Applicant no choice but to file this Motion to Compel Discovery.

III. ARGUMENT

A. Opposer is Unnecessarily Burdening the Board and the Parties by Refusing to Respond

Opposer could have prevented the time and expense expended by both parties and the burden on the Board in hearing in this motion by simply agreeing to respond to Applicant's Amended First Set of Interrogatories. Opposer does not have any valid reasons for its refusal to do so.

Opposer claims that proper procedure allegedly was not followed, that is, Applicant should have filed a motion to compel in response to Opposer's general objection to the First Set of Interrogatories or should have "discussed" the First Set of Interrogatories with Opposer rather than serving the Amended First Set of Interrogatories. Opposer's claims are disingenuous.

After Applicant received Opposer's General Objection to the First Set of Interrogatories, Applicant implicitly acknowledged Opposer's objection to excessive

interrogatories by serving the Amended First Set of Interrogatories, which clearly do not exceed seventy-five (75) in number. It must have been patently obvious to Opposer that Applicant wished to avoid filing a motion to compel by inviting Opposer to answer the Amended First Set of Interrogatories instead. Applicant's service of the Amended First Set of Interrogatories was, as it were, a formal initiation to discuss the interrogatories. Opposer, just as formally, ended the discussion by filing its General Objection.

Furthermore, Section 405.03(e) of the TBMP provides in part as follows:

In those cases where a party which has propounded interrogatories realizes, on receipt of a general objection thereto on the ground of excessive number, that the interrogatories are, in fact, excessive in number, **it is strongly recommended that the parties voluntarily agree to the service of a revised set of interrogatories, in the manner normally allowed by the Board, instead of bringing their dispute to the Board by motion to compel.**

(Emphasis added.)

Counsel for Applicant referred to Section 405.03(e) both in the telephone conference with Opposer's counsel on January 18, 2007 and in the confirming letter sent on January 19, 2007, urging Opposer to voluntarily accept service of the Amended First Set of Interrogatories. Opposer, however, has refused. Although Applicant made it clear that Applicant would have no choice but to file a motion to compel, Opposer stated that Applicant should go ahead and file the motion, thereby forcing Applicant to bring this matter to the Board.

B. Applicant is Allowed to Serve Additional Discovery

Opposer has also alleged in its General Objection that the Board's Order bars Applicant from serving the Amended First Set of Interrogatories. That argument is simply without merit.

37 C.F.R. § 2.120(a) provides in part, "Discovery depositions must be taken, and interrogatories, requests for production of documents and things, and requests for admission must be served, on or before the closing date of the discovery period as originally set or as reset." (Emphasis added.)

Discovery is set to close on February 15, 2007. Nowhere in the Board's Order does it state that Applicant is barred from serving discovery. Nor has Opposer been able to cite to any trademark rules or regulations in support of its argument. The reason for that is obvious, because the Board intended both parties to have enough time to conclude discovery.

Applicant timely served its Amended First Set of Interrogatories on December 13, 2007, well before the end of the discovery period. Accordingly, Applicant is entitled to receive substantive responses to its interrogatories.

C. Applicant's Interrogatories in Amended First Set Do Not Exceed 75 in Number

Applicant's Amended First Set of Interrogatories complies with the requirement that the interrogatories do not exceed seventy-five (75) in number, including subparts. *See* 37 C.F.R. § 2.120(d)(1). A true copy of Applicant's Amended First Set of Interrogatories is attached hereto as Exhibit C. The numbered interrogatories total thirty-two (32), far less than the permissible allotment of seventy-five (75).

If, for any reason, the Board finds that the interrogatories exceed seventy-five (75), Applicant respectfully requests that the Board allow Applicant to serve a revised set of interrogatories pursuant to TBMP § 405.93(e).

D. Applicant Requests an Extension of the Discovery Period Regardless of the Board's Ruling on this Motion

The current discovery period is set to end on February 15, 2007. Applicant also requests that the Board stay proceedings pending disposition of this Motion and reset the discovery and testimony periods upon the Board's resumption of these proceedings.

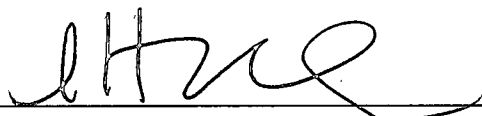
Regardless of whether the Board grants Applicant's Motion, Applicant respectfully requests that the Board extend the discovery period for the specific purpose of allowing Applicant to take the deposition of Brink's Network under FED. R. CIV. P. 30(b)(6). Applicant would prefer to first receive interrogatory responses and then use the deposition to delve more deeply into the responses as needed. However, if for any reason the Board does not order Opposer to respond to the amended interrogatories, Applicant would use the deposition to gain the requested information in the first instance.

IV. CONCLUSION

For all of the foregoing reasons, Applicant respectfully asks the Board to grant Applicant's Motion to Compel Discovery. Applicant also asks that the Board stay proceedings

pending disposition of Applicant's motion and that the Board reset discovery and testimony dates upon resumption of these proceedings to allow for Applicant's deposition of Opposer.

Dated: February 2, 2007

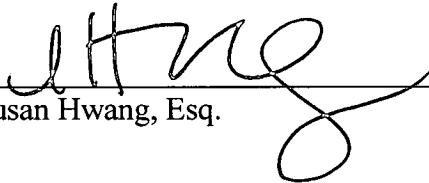


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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

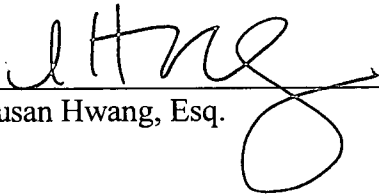
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Susan Hwang, Esq.

Brinkmann Exhibit A

Brink's Network, Incorporated v. The Brinkmann Corporation

Opposition No. 91164764

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BRINK'S NETWORK, INCORPORATED,

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**APPLICANT BRINKMANN'S FIRST SET OF INTERROGATORIES
TO OPPOSER BRINK'S NETWORK**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Applicant The Brinkmann Corporation serves the following First Set of Interrogatories upon Opposer Brink's Network, Incorporated and requests that Brink's Network, Incorporated answer the interrogatories under oath within thirty (30) days after service.

I.

DEFINITIONS

1. "Person" means any individual, corporation, partnership, limited partnership, limited liability company, association, organization, joint venture, governmental unit or entity, and any other kind of business or other entity, and the directors, officers, partners, members, employees, agents, representatives and attorneys of any such person.

2. "You", "your", and "Opposer" mean (a) the entities comprising (a) Opposer Brink's Network, Incorporated, including (i) all of its divisions, departments, and other operating units, (ii) its predecessors in interest, and (iii) its parents, subsidiaries, and affiliates, including but not limited to Brink's Home Security, Inc. and Brink's, Incorporated (collectively, the "Opposer entities"), and (b) the individuals comprising all of the Opposer entities' present and former (i) directors, (ii) officers, (iii) members, (iv) employees, (v) agents, (vi) representatives, (vii) attorneys, and (viii) others acting or purporting to act on behalf of any of the Opposer entities, whether employed or retained on a full-time, part-time, independent contract, commission, or other basis.

3. "Brinkmann" means (a) Applicant The Brinkmann Corporation, and (b) the individuals comprising all of its present and former (i) directors, (ii) officers, (iii) employees, (iv) agents, (v) representatives, and (vi) attorneys, whether employed or retained on a full-time, part-time, independent contract, commission, or other basis.

4. "Document" means all items within the scope of FED. R. CIV. P. 34(a) and all forms of writings as defined in FED. R. EVID. 1001(1), and includes any reduction to tangible form, including any written, recorded or filmed matter and any computer, magnetic or optical memory or storage, of any communications, information, or data of any kind or nature, however produced or reproduced, including originals, drafts and copies, wherever located. For documents in the form of computer, magnetic or optical storage, this definition requires production of such documents in machine-readable or usable form (e.g., magnetic or optical disk or tape), as well as printouts of the information or data in the computer files or programs. This definition applies to all documents in your possession, custody, or control, or that of your officers, directors, agents, representatives, employees, and attorneys, whether employed or retained on a full-time, part-

time, independent contract, commission, or other basis, irrespective of who generated, prepared, or signed the documents. A document is deemed to be within your control if you have ownership, possession or custody of the document or a copy, or the right to secure the document or a copy from any person or public or private entity having physical possession of it.

5. "Thing" means any tangible item, including, but not limited to, mock-ups, specimens, models, prototypes, and samples of any device, product, or apparatus, or parts thereof.

6. "Brink's Marks" means any trademark or service mark that includes the word "Brink's" in any manner or form, whether alone or in combination with any other word, name, symbol, or device.

7. "Brink's Product" and "Brink's Service" mean, respectively, any product and service advertised, promoted, distributed, offered for sale, sold, or provided under any Brink's Mark.

8. "Brinkmann Mark" means any trademark or service mark that includes the word "Brinkmann" in any manner or form, whether alone or in combination with any other word, name, symbol, or device.

9. "Brinkmann Product" means any product advertised, promoted, distributed, offered for sale, sold, or provided under any Brinkmann Mark.

10. "Pertaining to" means and refers to alluding to, analyzing, comprising, connected with, constituting, containing, concerning, discussing, describing, evidencing, incorporating, identifying, involving, memorializing, referring to, reflecting, regarding, relating to, responding to, showing, or in any other way referring to the subject matter referred to in the request. A request for documents and/or things pertaining to an allegation, or to a denial of an

allegation, in a pleading includes documents and/or things tending to support or to refute such allegation or denial.

11. "Identify" or to give the "identity" of means (a) in the case of a document, to state the type of document (e.g., letter, memorandum, license, etc.), the date it bears or was prepared or sent, the identity of the author, originator or sender, the identity of each person who received the document (whether or not named as an addressee), its subject and substance, the number of pages comprising the document, and the present location and the identity of the custodian of the document, and (b) in the case of a person, to state the name and present or last known street address, and telephone number.

10. "Communication" means any written, oral, or other transmission of information between a sender and a recipient. Communication comprises any and all such means including speech and writings, as well as any and all means of electronic or optical signals of any kind, specifically including e-mail.

11. "Notice of Opposition" means Opposer's Notice of Opposition, dated April 1, 2005 in this opposition proceeding.

II. INSTRUCTIONS

1. These interrogatories call for all information on the particular subject in your possession, custody, or control, or in the possession, custody, or control of your attorneys, agents, employees, officers, directors, or representatives, or other persons acting under your authorization, employment, direction, or control.

2. Whenever appropriate, the singular form of a word includes the plural form and vice versa; verb tenses shall be interpreted to include past, present, and future tenses;

the words "and" and "or" shall be construed either conjunctively or disjunctively, as necessary, to bring within the scope of these interrogatories any information that might otherwise be considered outside their purview; the non-possessive form of a word includes the possessive form and vice versa; and words imparting the masculine include the feminine and the neutral, and vice versa.

3. For any interrogatory that is objected to on the grounds of privilege or the work product doctrine, state in compliance with FED. R. CIV. P. 26(B)(5): (i) the basis for the objection; (ii) a brief identification and description of the withheld information or matter to the extent that it can be done without violating such privilege or doctrine; and (iii) the identity of an individual, other than your attorneys, having knowledge of the factual basis asserted for the privilege.

5. These interrogatories are submitted for purposes of discovery only, and nothing contained herein shall be taken as an admission of relevance, or as a waiver of any objections to the admissibility at trial, of any evidence or information inquired about by these interrogatories or furnished in response thereto.

6. These interrogatories are deemed to be continuing under FED. R. CIV. P. 26(e)(2) so as to require seasonable amended answers should Opposer Brink's Network, Incorporated obtain further information between the time answers are served and the time of trial, making the answers incomplete or incorrect.

III.
INTERROGATORIES

INTERROGATORY NO. 1:

Please describe in full Opposer's organizational structure, including the identity of each Opposer entity other than Brink's Network, Incorporated (i.e., their parents, subsidiaries, affiliates, and predecessors in interest with regard to the Brink's Marks); the identity of each division, department, or other unit of, or area of responsibility (e.g., accounting, finance, sales, marketing, licensing, legal, etc.) within each Opposer entity; the nature of each Opposer entity's business, including all goods and services ever made, distributed, offered for sale, or sold by each entity; and the legal and business relationships between and among the Opposer entities.

INTERROGATORY NO. 2:

Please identify the personnel of each Opposer entity who are most knowledgeable with respect to the use of the Brink's Marks in connection with any Brink's Product or Brink's Service identified in the Notice of Opposition, including the positions the personnel held, and the dates they held such positions.

INTERROGATORY NO. 3:

Please describe in full detail the history of adoption and use of the Brink's Marks in the United States by Opposer from the first use of the Brink's Marks to the present, including the identity of each specific Brink's Mark used; the identity of each specific Brink's Product (including model number, name, SKU, and other trade designation) and each Brink's Service on or in connection with which each such Brink's Mark has been used; the identity of the Opposer entity that first used each such Brink's Mark; the dates of first use of each such Brink's Mark on or in connection with each such Brink's Product and Brink's Service; the identity of the Opposer

entity that first used each such Brink's Mark on or in connection with each such Brink's Product and Brink's Service; whether the use of each such Brink's Mark on or in connection with each such Brink's Product and Brink's Service product has been continuous from first use to the present, and, if use was ever discontinued or interrupted, the dates of discontinuance or interruption and the reasons therefor.

INTERROGATORY NO. 4:

Please state the amount of sales annually in dollars in the United States by Opposer of each different Brink's Product and Brink's Service from its introduction to the present.

INTERROGATORY NO. 5:

Please describe in full detail the channels of distribution for each Brink's Product and Brink's Service ever offered for sale and sold under Opposer's Brink's Marks, including the identity of each distributor, retailer, and/or licensee who has sold or provided any such Brink's Products or Brink's Services; the identities of the Brink's Products or Brink's Services they sold or provided; and the time periods during which they sold or provided such Brink's Products or Brink's Services.

INTERROGATORY NO. 6:

Please describe in full detail the purchasers and prospective purchasers for each Brink's Product and Brink's Service ever offered for sale and sold under Opposer's Brink's Marks, classified by demographics, geography and other criteria as used by Opposer.

INTERROGATORY NO. 7:

Please describe in full detail all advertising and promotion of the Brink's Products and the Brink's Services under Opposer's Brink's Marks, including for each advertisement or promotion, the nature or type of media (e.g., web site, television/cable, radio, magazine, newspaper, mailer, trade show, etc.); the dates of each advertisement or promotion; the identity of the specific media used (e.g., web site URL, television, cable or radio station channel, magazine or newspaper name, etc.); the demographics and size of the audience targeted by the advertising or promotion; the Brink's Marks and the Brink's Products and Brink's Services advertised or promoted; the cost of the advertising and promotion; and the identity of all witnesses and documents evidencing the advertising and promotion.

INTERROGATORY NO. 8:

Please describe in full detail each grant of rights, including any assignments and licenses, ever made in or to Opposer's Brink's Marks, including the date of each grant; the identity of the grantor and the grantee; the nature of the rights granted; the terms and conditions of the grant; whether the grant is in effect and, if not, when, how and why the grant was terminated; and the identity of all witnesses and documents evidencing the grant.

INTERROGATORY NO. 9:

Please describe in full detail Opposer's earliest knowledge of Brinkmann, including the date, the identity of the individual(s), and the circumstances of acquiring such knowledge; and the identity of all witnesses and documents evidencing such knowledge.

INTERROGATORY NO. 10:

Please describe in full detail Opposer's earliest knowledge of any Brinkmann Products manufactured, distributed, or marketed by or on behalf of Brinkmann, including the

date, the identity of the individual(s), and the circumstances of acquiring such knowledge; and the identity of all witnesses and documents evidencing such knowledge.

INTERROGATORY NO. 11:

Please describe in full detail Opposer's earliest knowledge of any application to register or registration by Brinkmann of any Brinkmann Mark, including the date, the identity of the individual(s), and the circumstances of acquiring such knowledge; and the identity of all witnesses and documents evidencing such knowledge.

INTERROGATORY NO. 12:

Please describe in full detail all investigations, if any, ever conducted by or on behalf of Opposer of Brinkmann, Brinkmann's manufacture, distribution, or marketing of Brinkmann Products, and/or Brinkmann's use of any Brinkmann Marks, including the dates of each such investigation, the persons performing each such investigation, how each such investigation was performed, the results of the investigation, and the identity of all witnesses and documents evidencing each such investigation.

INTERROGATORY NO. 13:

Please describe in full detail all communications between Opposer, on the one hand, and any other person on the other hand, concerning Brinkmann, any Brinkmann Products manufactured, distributed, or marketed by or on behalf of Brinkmann, or any Brinkmann Mark used or registered by Brinkmann, including the date of the communication; its mode (in person, telephone, correspondence, e-mail, etc.); the individuals participating in the communication; the substance of the communication; and the identity of all witnesses and documents evidencing the communication.

INTERROGATORY NO. 14:

Please describe in full detail all communications among the Opposer entities concerning Brinkmann, any Brinkmann Products manufactured, distributed, or marketed by or on behalf of Brinkmann, or any Brinkmann Mark used or registered by Brinkmann, including the date of the communication; its mode (in person, telephone, correspondence, e-mail, etc.); the individuals participating in the communication; the substance of the communication; and the identity of all witnesses and documents evidencing the communication.

INTERROGATORY NO. 15:

Please describe in full detail all reasons for the time that Opposer allowed to pass after learning of Brinkmann, any Brinkmann Products manufactured, imported, distributed, offered for sale, or sold by or on behalf of Brinkmann, or any Brinkmann Mark used, applied to be registered, or registered by Brinkmann, before Opposer communicated its objection to Brinkmann of the Brinkmann Mark, including all facts, and the identity of all witnesses and documents evidencing such facts, pertaining to the reasons for allowing such passage of time.

INTERROGATORY NO. 16:

Please describe in full detail all instances, if any, in which Opposer has ever received any inquiries as to whether any Brinkmann Products manufactured, distributed, or marketed by or on behalf of Brinkmann are associated with, sponsored by, or in any manner connected with the Opposer, including the identity of the person making the inquiry; the date, location, and complete circumstances of the inquiry; and the identity of all witnesses and documents evidencing the inquiry.

INTERROGATORY NO. 17:

Please describe in full detail all instances, if any, of actual confusion between Opposer or any Brink's Products or Brink's Services, on the one hand, and Brinkmann or its Brinkmann Products, on the other hand, including the identity of the person confused; the date, location, and complete circumstances of the confusion; and the identity of all witnesses and documents evidencing the confusion.

INTERROGATORY NO. 18:

Please describe in full detail all instances of any customer complaints concerning any Opposer entity, or any Brink's Product or Brink's Service offered for sale or sold by or on behalf of any Opposer entity.

INTERROGATORY NO. 19:

Please describe in full detail all uses, applications to register, and registrations in the United States of any mark incorporating "Brink" by any person other than Brinkmann of which Opposer has ever been aware, including the identity of such other person; the specific "Brink" mark used, applied for, or registered; the goods or services on or in connection with which the "Brink" mark was used, applied for, or registered; the date when Opposer became aware of such use, application to register, or registration; and the identity of all witnesses and documents evidencing such awareness.

INTERROGATORY NO. 20:

Please describe in full detail all efforts by or on behalf of Opposer to police the marketing of any Brink's Product or Brink's Service, or the use or registration of any mark incorporating "Brink", by any persons in the United States other than Brinkmann, including the dates or time period of the policing efforts; the identities of the persons who were or are being

policed; the activities of such persons that were policed; the nature of the policing action taken (e.g., investigations, cease and desist communications, opposition or cancellation proceedings, seizures, lawsuits, or other legal proceedings); the identities of the persons doing the policing; the status and outcome of the policing efforts; and the identity of all witnesses and documents evidencing such policing efforts.

INTERROGATORY NO. 21:

Please describe in full detail any trademark, service mark or trade name searches, analyses, studies, evaluations, or opinions of counsel by or on behalf of any Opposer entity concerning any Brink's Mark; and the identity of all witnesses and documents evidencing such searches, analyses, studies, evaluations or opinions.

INTERROGATORY NO. 22:

Please describe in full detail any market, secondary meaning, or likelihood of confusion surveys, pre-surveys, test surveys or the like conducted on or regarding any Brink's Mark, Brink's Goods, or Brink's Services; and the identity of all witnesses and documents evidencing such surveys, pre-surveys, test surveys or the like.

INTERROGATORY NO. 23:

Please describe in full detail all bases for the allegation in paragraph 8 of the Notice of Opposition that Opposer has engaged in "maintenance of premium quality standards", including all facts supporting the allegation, and the identity of all witnesses and documents evidencing such facts.

INTERROGATORY NO. 24:

Please describe in full detail all bases for the allegation in paragraph 8 of the Notice of Opposition that purchasers "have come to recognize the mark BRINK'S as a singular, highly distinctive indication of origin", including all facts supporting the allegation, and the identity of all witnesses and documents evidencing such facts.

INTERROGATORY NO. 25:

Please describe in full detail all bases for the allegation in paragraph 8 of the Notice of Opposition that Opposer has "established valuable good will and exclusive rights" in the Brink's Mark, including all facts supporting the allegation, and the identity of all witnesses and documents evidencing such facts.

INTERROGATORY NO. 26:

Please describe in full detail all bases for the allegation in paragraph 9 of the Notice of Opposition that the Brink's Mark "had become exceedingly well-known and a famous mark...long prior to the filing date of the opposed application", including all facts supporting the allegation, and the identity of all witnesses and documents evidencing such facts.

INTERROGATORY NO. 27:

Please describe in full detail all bases for the allegation in paragraph 19 of the Notice of Opposition that Opposer's goods and Brinkmann's goods are "commercially related, and are likely sold and/or rendered to the same or overlapping classes of purchasers", including all facts supporting the allegation, and the identity of all witnesses and documents evidencing such facts.

INTERROGATORY NO. 28:

Please describe in full detail all bases for the allegation paragraph 19 of the Notice of Opposition that "purchasers, prospective purchasers and others are likely to be confused, mistaken or deceived into the belief, contrary to fact, that Applicant's home security systems and components sold under the mark BRINKMANN emanate from and/or are in some way sponsored or approved by Opposer and/or that Applicant is somehow affiliated with Opposer, thereby damaging Opposer", including all facts supporting the allegation, and the identity of all witnesses and documents evidencing such facts.

INTERROGATORY NO. 29:

Please describe in full detail all bases for the allegation in paragraph 20 of the Notice of Opposition that "Applicant's mark BRINKMANN, as used in connection with the home security systems and components described in the opposed application, so resembles Opposer's previously used and/or registered marks BRINK'S, BRINK'S & Design, BRINK'S (stylized), BRINK'S HOME SECURITY, and BRINK'S HOME SECURITY & Design as to be likely to cause confusion, to cause mistake or to deceive within the meaning of § 2(d) of The Federal Trademark Act, thereby damaging Opposer", including all facts supporting the allegation, and the identity of all witnesses and documents evidencing such facts.

INTERROGATORY NO. 30:

Please describe in full detail all bases for the allegation in paragraph 21 of the Notice of Opposition that Applicant's "use of the mark BRINKMANN in connection with the home security systems and components described in the opposed application dilutes and/or is likely to dilute the distinctiveness of Opposer's famous marks BRINK'S, BRINK'S & Design, BRINK'S (stylized), BRINK'S HOME SECURITY, and BRINK'S HOME SECURITY &

Design as to be likely to cause confusion, to cause mistake or to deceive within the meaning of § 43(c) of the Federal Trademark Act", including all facts supporting the allegation, and the identity of all witnesses and documents evidencing such facts.

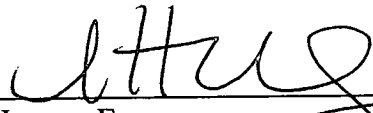
INTERROGATORY NO. 31:

Please describe in full detail all bases for the allegation in paragraph 19, 20 and 24 of the Notice of Opposition that Opposer has suffered "damage", including all facts supporting the allegation, and the identity of all witnesses and documents evidencing such facts.

INTERROGATORY NO. 32:

Please identify all documents and things that Opposer may use at trial or any evidentiary hearing in this matter.

Dated: September 22, 2005



Susan Hwang, Esq.
Sheppard, Mullin, Richter & Hampton LLP
333 South Hope Street, 48th Floor
Los Angeles, California 90071
Tel.: (213) 620-1780
Fax: (213) 620-1398

Attorneys for Applicant
THE BRINKMANN CORPORATION

CERTIFICATE OF SERVICE

This is to certify that I have this day caused to be served a copy of the foregoing
"Applicant The Brinkmann Corporation's First Set of Interrogatories to Opposer Brink's
Network, Incorporated" by hand-delivery to: Nancy S. Lapidus, counsel for Opposer, at Howrey
LLP, 1299 Pennsylvania Avenue, N.W., Washington, DC 20004.

Dated: September 22, 2005



Susan Hwang, Esq.
Sheppard, Mullin, Richter & Hampton LLP
333 South Hope Street, 48th Floor
Los Angeles, California 90071
Tel.: (213) 620-1780
Fax: (213) 620-1398

Attorneys for Applicant
THE BRINKMANN CORPORATION

Brinkmann Exhibit B

Brink's Network, Incorporated v. The Brinkmann Corporation

Opposition No. 91164764

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

BRINK'S NETWORK, INCORPORATED

Opposer

v.

THE BRINKMANN CORPORATION

Applicant

Opposition No. 91164764

OPPOSER'S GENERAL OBJECTION TO
APPLICANT'S FIRST SET OF INTERROGATORIES

Pursuant to Rule 2.120(d)(1) of the Trademark Rules of Practice, Opposer objects to Applicant's first set of interrogatories, served on September 22, 2005, on the ground that the total number of interrogatories, counting subparts, exceeds seventy-five (75).

Rule 2.120(d)(1) provides in pertinent part that:

The total number of written interrogatories which a party may serve upon another party pursuant to Rule 33 of the Federal Rules of Civil Procedure, in a proceeding, shall not exceed seventy-five, counting subparts, except that the Trademark Trial and Appeal Board, in its discretion, may allow additional interrogatories upon motion therefor showing good cause, or upon stipulation of the parties.

As the total number of interrogatories, counting subparts, set forth in Applicant's first set of interrogatories exceeds the maximum number of seventy-five, Opposer serves this general objection thereto.

BRINK'S NETWORK, INCORPORATED

Dated: October 24, 2005

By: Alan Cooper, msz

Alan S. Cooper
Nancy S. Lapidus
Jason A. Cody
Attorneys for Opposer
Howrey LLP
1299 Pennsylvania Avenue, N.W.
Washington, DC 20004
(202) 783-0800
Fax: (202) 383-7195

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of October, 2005, a true copy of the foregoing Opposer's General Objection to Applicant's First Set of Interrogatories was served on the following counsel of record for Applicant by facsimile transmission, with confirming service by depositing the same in the U.S. Mail, first class mail postage prepaid:

Gary Clark, Esquire
Susan Hwang, Esquire
Sheppard, Mullin, Richter & Hampton LLP
33 South Hope Street, 48th Floor
Los Angeles, California 90071

Nancy Lapidus

Brinkmann Exhibit C

Brink's Network, Incorporated v. The Brinkmann Corporation

Opposition No. 91164764

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

DUNN

Mailed: December 12, 2006

Opposition No. 91164764

Brink's Network,
Incorporated

v.

The Brinkmann Corporation

Elizabeth A. Dunn, Attorney:

This case comes before the Board on opposer's motion to compel, filed December 8, 2005. The delay in acting upon this matter is regretted.

On December 8, 2005, opposer filed a motion to compel applicant to respond to opposer's document request, to designate dates that applicant would produce a witness in response to opposer's notice of deposition, and to respond to opposer's draft protective order.¹ In response applicant alleges that non-privileged documents have been produced in response to opposer's document request, that applicant has designated a witness for deposition, and that applicant has responded to opposer's draft protective order. On February

¹ On October 18, 2005, the parties stipulated to an extension of discovery until December 21, 2005.

7, 2006, opposer notified the Board that the parties had resolved their dispute to the extent that opposer no longer sought supplemental responses to Document Request No. 4 or a response to its proposed protective order. On July 27, 2006, the parties filed a signed copy of the stipulated protective order.

As a preliminary matter the Board notes that opposer has complied with the special requirements for a motion to compel by providing copies of both the discovery requests and responses, and by including documentation demonstrating opposer's good faith effort to resolve the discovery issues without Board intervention. See Trademark Rule 2.120(e).

A. OPPOSER'S DOCUMENT REQUEST

In support of its motion to compel production of documents without objection, opposer contends that on September 6, 2005, opposer served applicant with its document request; that on October 11, 2005, applicant served responses which stated that in each instance applicant would produce responsive documents but that confidential documents would not be produced until the Board approved a protective agreement; that on October 19, opposer requested by email production of the non-privileged documents; that on October 27, 2005, opposer sent another email request for the promised production of documents, noting that opposer had received no response to its first request; that on November

1, 2006, applicant informed opposer that applicant was "following up with our client on document production"; that on November 9, 2005, opposer sent a third email request for production of documents; that as of December 8, 2005, the filing date of the motion to compel, applicant had failed to produce any responsive documents; and that the motion to compel responses without objection should be granted.

In opposition to the motion to compel production of documents without objection applicant contends that the motion should be denied because applicant served non-confidential documents responsive to the September 6, 2006 request on December 28, 2005.

We note that the Board's rules clearly provide for service of discovery responses within thirty days of service of the discovery request, and that applicant does not dispute that responsive documents were not served within that timeframe. Moreover, applicant does not argue that any extension of time in which to respond to the document requests was necessary or requested. In fact, applicant does not dispute that opposer's three written communications requesting the promised documents were met with a single vague statement that counsel would "follow up" with the client. Finally, it is clear that applicant did not make any apparent effort to satisfy its discovery obligations until opposer had not only been put to the time and expense

of multiple requests but the time and expense of filing the motion to compel.

In these circumstances it is clear that applicant has not complied with its discovery obligations, and opposer's motion to compel production of documents without objection is granted.

In view of opposer's supplement to the motion, applicant does not have to provide responses to Document Request No. 4 without objection. Applicant is allowed until twenty days from the mailing date of this order to provide responses to opposer's discovery requests, except Document Request No. 4, without objection, failing which the Board will entertain a motion for discovery sanctions.

PRODUCE WITNESS FOR FED. R. CIV. P. 30(B)(6) DEPOSITION

In support of its motion to compel applicant to provide notice of at least two proposed dates for deposition, opposer contends that on September 19, 2005, opposer served applicant with a notice of taking a Fed. R. Civ. P. 30(b)(6) discovery deposition on October 19, 2005; that on October 7, 2005, applicant informed opposer that its Executive Vice President was not available on that date; that on October 12, 2005, applicant served opposer with a response which objected to the time and proposed scope of the deposition; that on October 19, opposer requested by email production of

a witness for a deposition rescheduled for November 21, 2005; that on October 27, 2005, opposer sent another email request regarding the rescheduled deposition, noting that opposer had received no response to its first request; that on November 1, 2006, applicant informed opposer that applicant was "following up with our client" on the proposed new deposition date; that on November 9, 2005, opposer sent a third email request regarding the rescheduled deposition; that as of December 8, 2005, the filing date of the motion to compel, applicant had failed to agree to a deposition date; and that the motion to compel applicant to provide notice of at least two proposed dates for deposition should be granted.

In opposition to the motion to compel, applicant contends that the motion should be denied because on December 28, 2005 applicant notified opposer that its designated Fed. R. Civ. P. 30(b)(6) witness is generally available in January 2006.

As with the production of documents, we find that applicant's designation of the witness and available date of deposition is too little, too late. Opposer should not have been put to the time and expense of multiple requests and filing a motion to compel to obtain the requested discovery. In these circumstances, opposer's motion to compel applicant to provide notice of at least two proposed dates for

Opposition No. 91164764

deposition is granted. Specifically, within the two weeks following applicant's service of documents as ordered above applicant is to provide opposer with two proposed dates for deposition of the designated Fed. R. Civ. P. 30(b)(6) witness, failing which the Board will entertain a motion for sanctions.

Discovery and trial dates are reset below.

DISCOVERY PERIOD TO CLOSE: **February 15, 2007**

Thirty-day testimony period for party in position of plaintiff to close: **May 16, 2007**

Thirty-day testimony period for party in position of defendant to close: **July 15, 2007**

Fifteen-day rebuttal testimony period to close: **August 29, 2007**

Brinkmann Exhibit D

Brink's Network, Incorporated v. The Brinkmann Corporation

Opposition No. 91164764

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

BRINK'S NETWORK, INCORPORATED,

Opposer,

v.

THE BRINKMANN CORPORATION,

Applicant.

Opposition No. 91164764

**APPLICANT BRINKMANN'S AMENDED FIRST SET OF INTERROGATORIES
TO OPPOSER BRINK'S NETWORK**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Applicant The Brinkmann Corporation serves the following Amended First Set of Interrogatories upon Opposer Brink's Network, Incorporated and requests that Brink's Network, Incorporated answer the interrogatories under oath within thirty (30) days after service.

I.

DEFINITIONS

1. "Person" means any individual, corporation, partnership, limited partnership, limited liability company, association, organization, joint venture, governmental unit or entity, and any other kind of business or other entity, and the directors, officers, partners, members, employees, agents, representatives and attorneys of any such person.

2. "You", "your", and "Opposer" mean (a) the entities comprising (a) Opposer Brink's Network, Incorporated, including (i) all of its divisions, departments, and other operating units, (ii) its predecessors in interest, and (iii) its parents, subsidiaries, and affiliates, including but not limited to Brink's Home Security, Inc. and Brink's, Incorporated (collectively, the "Opposer entities"), and (b) the individuals comprising all of the Opposer entities' present and former (i) directors, (ii) officers, (iii) members, (iv) employees, (v) agents, (vi) representatives, (vii) attorneys, and (viii) others acting or purporting to act on behalf of any of the Opposer entities, whether employed or retained on a full-time, part-time, independent contract, commission, or other basis.

3. "Brinkmann" means (a) Applicant The Brinkmann Corporation, and (b) the individuals comprising all of its present and former (i) directors, (ii) officers, (iii) employees, (iv) agents, (v) representatives, and (vi) attorneys, whether employed or retained on a full-time, part-time, independent contract, commission, or other basis.

4. "Document" means all items within the scope of FED. R. CIV. P. 34(a) and all forms of writings as defined in FED. R. EVID. 1001(1), and includes any reduction to tangible form, including any written, recorded or filmed matter and any computer, magnetic or optical memory or storage, of any communications, information, or data of any kind or nature, however produced or reproduced, including originals, drafts and copies, wherever located. For documents in the form of computer, magnetic or optical storage, this definition requires production of such documents in machine-readable or usable form (e.g., magnetic or optical disk or tape), as well as printouts of the information or data in the computer files or programs. This definition applies to all documents in your possession, custody, or control, or that of your officers, directors, agents, representatives, employees, and attorneys, whether employed or retained on a full-time, part-

time, independent contract, commission, or other basis, irrespective of who generated, prepared, or signed the documents. A document is deemed to be within your control if you have ownership, possession or custody of the document or a copy, or the right to secure the document or a copy from any person or public or private entity having physical possession of it.

5. "Thing" means any tangible item, including, but not limited to, mock-ups, specimens, models, prototypes, and samples of any device, product, or apparatus, or parts thereof.

6. "Brink's Marks" means any trademark or service mark owned by any Opposer entity that includes the word "Brink's" in any manner or form, whether alone or in combination with any other word, name, symbol or device, including those marks identified by Opposer in the Notice of Opposition (e.g., U.S. Registration Nos. 2,476,114 (BRINK'S HOME SECURITY & Design), 1,313,790 (BRINK'S & Design), 529,622 (BRINK'S (stylized)), 1,309,375 (BRINK'S), 1,412,587 (BRINK'S HOME SECURITY), 1,411,610 (BRINK'S & Design), 2,330,884 (BRINK'S HOME SECURITY & Design), 2,691,470 (BRINK'S) and 2,646,784 (BRINK'S & Design)).

7. "Brink's Products and Services" means those goods and services advertised, promoted, distributed, offered for sale, sold or provided under any Brink's Mark, including those goods and services identified by Opposer in the Notice of Opposition.

8. "Brinkmann Mark" means any trademark or service mark that includes the word "Brinkmann" in any manner or form, whether alone or in combination with any other word, name, symbol, or device.

9. "Brinkmann Product" means any product advertised, promoted, distributed, offered for sale, sold, or provided under any Brinkmann Mark.

10. "Pertaining to" means and refers to alluding to, analyzing, comprising, connected with, constituting, containing, concerning, discussing, describing, evidencing, incorporating, identifying, involving, memorializing, referring to, reflecting, regarding, relating to, responding to, showing, or in any other way referring to the subject matter referred to in the request. A request for documents and/or things pertaining to an allegation, or to a denial of an allegation, in a pleading includes documents and/or things tending to support or to refute such allegation or denial.

11. "Identify" or to give the "identity" of means (a) in the case of a document, to state the type of document (e.g., letter, memorandum, license, etc.), the date it bears or was prepared or sent, the identity of the author, originator or sender, the identity of each person who received the document (whether or not named as an addressee), its subject and substance, the number of pages comprising the document, and the present location and the identity of the custodian of the document, and (b) in the case of a person, to state the name and present or last known street address, and telephone number.

12. "Communication" means any written, oral, or other transmission of information between a sender and a recipient. Communication comprises any and all such means including speech and writings, as well as any and all means of electronic or optical signals of any kind, specifically including e-mail.

13. "Notice of Opposition" means Opposer's Notice of Opposition, dated April 1, 2005 in this opposition proceeding.

II.
INSTRUCTIONS

1. These interrogatories call for all information on the particular subject in your possession, custody, or control, or in the possession, custody, or control of your attorneys, agents, employees, officers, directors, or representatives, or other persons acting under your authorization, employment, direction, or control.
2. Whenever appropriate, the singular form of a word includes the plural form and vice versa; verb tenses shall be interpreted to include past, present, and future tenses; the words "and" and "or" shall be construed either conjunctively or disjunctively, as necessary, to bring within the scope of these interrogatories any information that might otherwise be considered outside their purview; the non-possessive form of a word includes the possessive form and vice versa; and words imparting the masculine include the feminine and the neutral, and vice versa.
3. For any interrogatory that is objected to on the grounds of privilege or the work product doctrine, state in compliance with FED. R. CIV. P. 26(B)(5): (i) the basis for the objection; (ii) a brief identification and description of the withheld information or matter to the extent that it can be done without violating such privilege or doctrine; and (iii) the identity of an individual, other than your attorneys, having knowledge of the factual basis asserted for the privilege.
4. These interrogatories are submitted for purposes of discovery only, and nothing contained herein shall be taken as an admission of relevance, or as a waiver of any objections to the admissibility at trial, of any evidence or information inquired about by these interrogatories or furnished in response thereto.

5. These interrogatories are deemed to be continuing under FED. R. CIV. P. 26(e)(2) so as to require seasonable amended answers should Opposer Brink's Network, Incorporated obtain further information between the time answers are served and the time of trial, making the answers incomplete or incorrect.

III. INTERROGATORIES

INTERROGATORY NO. 1:

Please identify with specificity all goods and services that Opposer provides under the Brink's Marks.

INTERROGATORY NO. 2:

For each good or service identified in Interrogatory No. 1 above, please identify the date of first use and date of first use in commerce.

INTERROGATORY NO. 3:

Please identify Opposer's personnel who are most knowledgeable with respect to the use of the Brink's Marks in connection with the Brink's Products and Services identified in the Notice of Opposition.

INTERROGATORY NO. 4:

Please describe in full detail the history of use of the Brink's Marks in the United States by Opposer from the first use of the Brink's Marks to the present.

INTERROGATORY NO. 5:

Please describe in full detail any instances in which the use of any Brink's Mark was ever discontinued or interrupted.

INTERROGATORY NO. 6:

Please state the annual dollar amount of sales in the United States of the Brink's Products and Services under the Brink's Marks since the date on which the first such product or service was introduced.

INTERROGATORY NO. 7:

Please describe in full detail all advertising and/or promotion in the United States of the Brink's Products and Services under the Brink's Marks.

INTERROGATORY NO. 8:

Please state the annual dollar amount spent by or on behalf of Opposer in the United States on advertising and/or promoting the Brink's Products and Services under the Brink's Marks since the date on which the first such product or service was introduced.

INTERROGATORY NO. 9:

Please describe in full detail the channels of distribution for the Brink's Products and Services offered for sale under Opposer's Brink's Marks.

INTERROGATORY NO. 10:

Please describe in full detail the demographics of the purchasers and/or prospective purchasers for each of the Brink's Products and Services offered for sale under the Brink's Marks.

INTERROGATORY NO. 11:

Please describe in full detail each grant of rights, such as assignments or licenses, ever made in or to Opposer's Brink's Marks.

INTERROGATORY NO. 12:

Please describe in full detail Opposer's earliest knowledge of Brinkmann.

INTERROGATORY NO. 13:

Please describe in full detail Opposer's earliest knowledge of any Brinkmann Products.

INTERROGATORY NO. 14:

Please describe in full detail Opposer's earliest knowledge of any application to register or registration by Brinkmann of the Brinkmann Mark.

INTERROGATORY NO. 15:

Please describe in full detail all investigations, if any, ever conducted by or on behalf of Opposer of Brinkmann's use of the Brinkmann Mark.

INTERROGATORY NO. 16:

Please describe in full detail all communications between Opposer, on the one hand, and any other person on the other hand, concerning the Brinkmann Mark.

INTERROGATORY NO. 17:

Please describe in full detail all reasons for the time that Opposer allowed to pass after learning of the Brinkmann Mark, before Opposer communicated its objection to Brinkmann of the Brinkmann Mark.

INTERROGATORY NO. 18:

Please describe in full detail all instances, if any, of actual confusion between any of Opposer's Brink's Marks, on the one hand, and Brinkmann's Brinkmann Mark, on the other hand.

INTERROGATORY NO. 19:

Please describe in full detail all instances of any customer complaints concerning any of Opposer's products or services offered under any Brink's Mark.

INTERROGATORY NO. 20:

Please describe in full detail all uses, applications to register, and registrations in the United States of any mark incorporating "Brink" by any person other than Brinkmann of which Opposer has ever been aware.

INTERROGATORY NO. 21:

Please describe in full detail all efforts by or on behalf of Opposer to police the use or registration of any mark incorporating "Brink," by any persons in the United States other than Brinkmann.

INTERROGATORY NO. 22:

Please describe in full detail the factual bases for the allegation in paragraph 8 of the Notice of Opposition that Opposer has engaged in "maintenance of premium quality standards."

INTERROGATORY NO. 23:

Please describe in full detail the factual bases for the allegation in paragraph 8 of the Notice of Opposition that purchasers "have come to recognize the mark BRINK'S as a singular, highly distinctive indication of origin."

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Please describe in full detail the factual bases for the allegation in paragraph 8 of the Notice of Opposition that Opposer has "established valuable good will and exclusive rights" in the mark BRINK'S.

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Please describe in full detail the factual bases for the allegation in paragraph 19 of the Notice of Opposition that Opposer's goods and Brinkmann's goods are "commercially related, and are likely sold and/or rendered to the same or overlapping classes of purchasers."

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Please describe in full detail the factual bases for the allegation paragraph 19 of the Notice of Opposition that "purchasers, prospective purchasers and others are likely to be confused, mistaken or deceived into the belief, contrary to fact, that Applicant's home security systems and components sold under the mark BRINKMANN emanate from and/or are in some way sponsored or approved by Opposer and/or that Applicant is somehow affiliated with Opposer, thereby damaging Opposer."

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Please describe in full detail the factual bases for the allegation in paragraph 20 of the Notice of Opposition that "Applicant's mark BRINKMANN, as used in connection with the

home security systems and components described in the opposed application, so resembles Opposer's previously used and/or registered marks BRINK'S, BRINK'S & Design, BRINK'S (stylized), BRINK'S HOME SECURITY, and BRINK'S HOME SECURITY & Design as to be likely to cause confusion, to cause mistake or to deceive within the meaning of § 2(d) of The Federal Trademark Act, thereby damaging Opposer."

INTERROGATORY NO. 29:

Please describe in full detail the factual bases for the allegation in paragraph 21 of the Notice of Opposition that Applicant's "use of the mark BRINKMANN in connection with the home security systems and components described in the opposed application dilutes and/or is likely to dilute the distinctiveness of Opposer's famous marks BRINK'S, BRINK'S & Design, BRINK'S (stylized), BRINK'S HOME SECURITY, and BRINK'S HOME SECURITY & Design as to be likely to cause confusion, to cause mistake or to deceive within the meaning of § 43(c) of the Federal Trademark Act."

INTERROGATORY NO. 30:

Please describe in full detail the factual bases for the allegation in paragraph 19, 20 and 24 of the Notice of Opposition that Opposer has suffered "damage."

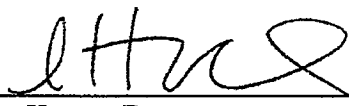
INTERROGATORY NO. 31:

Please describe in full detail the factual bases that Opposer will rely on to refute Applicant's affirmative defense of laches, as pleaded by Applicant in paragraph 26 of its Answer to Notice of Opposition.

INTERROGATORY NO. 32:

Please identify all documents and things that Opposer may use at trial or any evidentiary hearing in this matter.

Dated: December 13, 2006



Susan Hwang, Esq.
Sheppard, Mullin, Richter & Hampton LLP
333 South Hope Street, 48th Floor
Los Angeles, California 90071
Tel.: (213) 620-1780
Fax: (213) 620-1398

Attorneys for Applicant
THE BRINKMANN CORPORATION

CERTIFICATE OF SERVICE

This is to certify that I have this day caused to be served a copy of the foregoing
"Applicant The Brinkmann Corporation's Amended First Set of Interrogatories to Opposer
Brink's Network, Incorporated" by hand-delivery to: Nancy S. Lapidus, counsel for Opposer, at
Howrey LLP, 1299 Pennsylvania Avenue, N.W., Washington, DC 20004.

Dated: December 13, 2006



MATT CLANTON

Brinkmann Exhibit E

Brink's Network, Incorporated v. The Brinkmann Corporation

Opposition No. 91164764

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

BRINK'S NETWORK, INCORPORATED

Opposer

v.

THE BRINKMANN CORPORATION

Applicant

Opposition No. 91/164764

OPPOSER'S GENERAL OBJECTION TO APPLICANT'S
AMENDED FIRST SET OF INTERROGATORIES
AND APPLICANT'S FIRST SET OF INTERROGATORIES

Pursuant to Rule 2.120(d)(1) of the Trademark Rules of Practice, Opposer objects to Applicant's amended first set of interrogatories, served on December 13, 2006, and Applicant's first set of interrogatories, served on September 22, 2005, on grounds that: (1) the total number of interrogatories in both sets, counting subparts, exceeds seventy-five (75); and (2) the Board did not reset the discovery period for the purpose of permitting Applicant to serve additional discovery at this late date.

A. Objection Pursuant to Rule 2.120(d)(1)

Rule 2.120(d)(1) provides in pertinent part that "the total number of written interrogatories which a party may serve upon another party pursuant to Rule 33 of the Federal Rules of Civil Procedure, in a proceeding, shall not exceed seventy-five, counting subparts." Equally important, the numerical limit "pertains to the total number of interrogatories that one party may serve on another party over the course of an entire

proceeding, not just per set of interrogatories.” TBMP § 405.03(b).¹ Although TBMP § 405.03(a) provides that the Board “may allow additional interrogatories on motion therefor showing good cause, or on stipulation of the parties,” such motion “must be filed and granted *prior* to service of the proposed additional interrogatories.” TBMP § 519. (Emphasis added.)

Applicant served its first set of excessive interrogatories on September 22, 2005. On October 24, 2005, Opposer interposed a general objection on the ground that the interrogatories were excessive. At that point, Applicant had the option of either moving to compel responses to its first set of interrogatories, or seeking Opposer’s consent to the service of a revised set of interrogatories. See TBMP § 405.03(3). Applicant, however, neither moved to compel discovery nor sought Opposer’s consent to service of revised interrogatories.² Rather, Applicant allowed the discovery period, as originally set, to close eight weeks later on December 21, 2005.

As the total number of interrogatories, counting subparts, set forth in Applicant’s first set of interrogatories and amended first set of interrogatories far exceeds the maximum number of seventy-five, Opposer (again) serves a general objection thereto. By virtue of Applicant’s failure to take appropriate steps (or any steps within the past year) to dispute or correct the excessive nature of its interrogatories, it has waived any right to do so now.

¹ If a party serves over the entire course of the proceeding two or more separate sets of interrogatories directed to the same party, the interrogatories in the separate sets would be added together for purpose of determining whether the numerical limit specified in the rule has been exceeded. TBMP § 405.03(b).

² Obviously, Applicant never filed a motion for leave to serve additional interrogatories pursuant to TBMP § 519.

B. The Amended Set of Interrogatories Is Not Contemplated by the Board's Order of December 12, 2006

Applicant's act of serving "amended" interrogatories at this late date also is an improper attempt to profit from its own abuse of the discovery process. On December 8, 2005, Opposer filed a motion to compel Applicant to produce documents and a Rule 30(b)(6) witness for deposition. On December 12, 2006, the Board granted Opposer's motion, requiring Applicant to produce responsive documents by January 1, 2007 and, within two weeks of producing such documents, to provide Opposer with two proposed dates for deposition of Applicant's Rule 30(b)(6) witness. The Board also reset the discovery period to close on February 15, 2007, to enable the parties to carry out actions required by the Order. In light of the circumstances that forced Applicant to file its motion to compel and the Board's disposition of that motion in favor of Opposer, it is clear that the December 12, 2006 Order did not contemplate giving Applicant a second chance at serving discovery.

Applicant apparently misconstrues the Board's Order as authorization to restart the discovery process at this late date. In the Board Order, the Board admonished Applicant by characterizing its responses to Opposer's discovery requests as "too little, too late." By propounding an amended first set of interrogatories, Applicant's conduct is too much, too late and in clear contravention of Board procedures. Accordingly, Applicant is not entitled to additional discovery.

For the reasons stated above, Opposer interposes this general objection to Applicant's amended first set of interrogatories, served on December 13, 2006, and Applicant's first set of interrogatories, served on September 22, 2005.

BRINK'S NETWORK, INCORPORATED

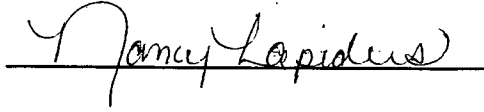
Dated: January 11, 2007

By: Alan Cooper / nsl
Alan S. Cooper
Nancy S. Lapidus
Jason A. Cody
Attorneys for Opposer
Howrey LLP
1299 Pennsylvania Avenue, N.W.
Washington, DC 20004
(202) 783-0800
Fax: (202) 383-7195

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of January, 2007, a true copy of the foregoing Opposer's General Objection to Applicant's Amended First Set of Interrogatories and Applicant's First Set of Interrogatories was served on the following counsel of record for Applicant by depositing the same in the U.S. Mail, first class mail postage prepaid:

Gary Clark, Esquire
Susan Hwang, Esquire
Sheppard, Mullin, Richter & Hampton LLP
33 South Hope Street, 48th Floor
Los Angeles, California 90071



Brinkmann Exhibit F

Brink's Network, Incorporated v. The Brinkmann Corporation

Opposition No. 91164764

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

BRINK'S NETWORK, INCORPORATED,

Opposer,

v.

THE BRINKMANN CORPORATION,

Applicant.

Opposition No. 91164764

**APPLICANT BRINKMANN'S NOTICE OF DEPOSITION OF OPPOSER BRINK'S
NETWORK UNDER FED. R. CIV. P. 30(b)(6)**

TO: OPPOSER AND ITS ATTORNEYS OF RECORD

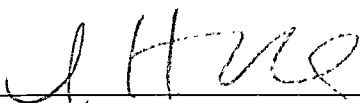
PLEASE TAKE NOTICE that, pursuant to 37 C.F.R. § 2.120(b) and Rule 30(b)(6), FED. R. CIV. P., Applicant The Brinkmann Corporation will take the deposition upon oral examination of Opposer Brink's Network, Incorporated through one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, on the matters for examination set forth in Schedule "A" attached hereto, commencing at 9:00 a.m. on January 31, 2007, or such other date and time as the parties may agree, at the offices of Sheppard, Mullin, Richter & Hampton LLP, 11th Floor East, 1300 I Street NW, Washington, DC 20005.

The deponent is not a natural person and is a party to this action. Brink's Network shall designate and produce those of its officers, directors, managing agents, employees or agents to testify on its behalf as to the matters identified in the Schedule "A" referenced above.

The deposition will be taken before a notary public or other person authorized to administer oaths and may also be recorded by sound and visual means. The deposition will continue until 5:00 p.m.

Counsel for Opposer is invited to attend and cross-examine.

Dated: January 16, 2007



Susan Hwang, Esq.
Sheppard, Mullin, Richter & Hampton LLP
333 South Hope Street, 48th Floor
Los Angeles, California 90071
Tel.: (213) 620-1780
Fax: (213) 620-1398

Attorneys for Applicant
THE BRINKMANN CORPORATION

SCHEDULE "A"

DEFINITIONS

The following Definitions govern the matters identified below:

1. "Person" means any individual, corporation, partnership, limited partnership, limited liability company, association, organization, joint venture, governmental unit or entity, and any other kind of business or other entity, and the directors, officers, partners, members, employees, agents, representatives and attorneys of any such person.
2. "You", "your", and "Opposer" mean (a) the entities comprising (a) Opposer Brink's Network, Incorporated, including (i) all of its divisions, departments, and other operating units, (ii) its predecessors in interest, and (iii) its parents, subsidiaries, and affiliates, including but not limited to Brink's Home Security, Inc. and Brink's, Incorporated (collectively, the "Opposer entities"), and (b) the individuals comprising all of the Opposer entities' present and former (i) directors, (ii) officers, (iii) members, (iv) employees, (v) agents, (vi) representatives, (vii) attorneys, and (viii) others acting or purporting to act on behalf of any of the Opposer entities, whether employed or retained on a full-time, part-time, independent contract, commission, or other basis.
3. "Brinkmann" means (a) Applicant The Brinkmann Corporation, and (b) the individuals comprising all of its present and former (i) directors, (ii) officers, (iii) employees, (iv) agents, (v) representatives, and (vi) attorneys, whether employed or retained on a full-time, part-time, independent contract, commission, or other basis.
4. "Document" means all items within the scope of FED. R. CIV. P. 34(a) and all forms of writings as defined in FED. R. EVID. 1001(1), and includes any reduction to tangible

form, including any written, recorded or filmed matter and any computer, magnetic or optical memory or storage, of any communications, information, or data of any kind or nature, however produced or reproduced, including originals, drafts and copies, wherever located. For documents in the form of computer, magnetic or optical storage, this definition requires production of such documents in machine-readable or usable form (e.g., magnetic or optical disk or tape), as well as printouts of the information or data in the computer files or programs. This definition applies to all documents in your possession, custody, or control, or that of your officers, directors, agents, representatives, employees, and attorneys, whether employed or retained on a full-time, part-time, independent contract, commission, or other basis, irrespective of who generated, prepared, or signed the documents. A document is deemed to be within your control if you have ownership, possession or custody of the document or a copy, or the right to secure the document or a copy from any person or public or private entity having physical possession of it.

5. "Thing" means any tangible item, including, but not limited to, mock-ups, specimens, models, prototypes, and samples of any device, product, or apparatus, or parts thereof.

6. "Brink's Marks" means any trademark or service mark that includes the word "Brink's" in any manner or form, whether alone or in combination with any other word, name, symbol, or device.

7. "Brink's Product" and "Brink's Service" mean, respectively, any product and service advertised, promoted, distributed, offered for sale, sold, or provided under any Brink's Mark.

8. "Brinkmann Mark" means any trademark or service mark that includes the word "Brinkmann" in any manner or form, whether alone or in combination with any other word, name, symbol, or device.

9. "Brinkmann Product" means any product advertised, promoted, distributed, offered for sale, sold, or provided under any Brinkmann Mark.

10. "Pertaining to" means and refers to alluding to, analyzing, comprising, connected with, constituting, containing, concerning, discussing, describing, evidencing, incorporating, identifying, involving, memorializing, referring to, reflecting, regarding, relating to, responding to, showing, or in any other way referring to the subject matter referred to in the request. A request for documents and/or things pertaining to an allegation, or to a denial of an allegation, in a pleading includes documents and/or things tending to support or to refute such allegation or denial.

11. "Identify" or to give the "identity" of means (a) in the case of a document, to state the type of document (e.g., letter, memorandum, license, etc.), the date it bears or was prepared or sent, the identity of the author, originator or sender, the identity of each person who received the document (whether or not named as an addressee), its subject and substance, the number of pages comprising the document, and the present location and the identity of the custodian of the document, and (b) in the case of a person, to state the name and present or last known street address, and telephone number.

10. "Communication" means any written, oral, or other transmission of information between a sender and a recipient. Communication comprises any and all such means including speech and writings, as well as any and all means of electronic or optical signals of any kind, specifically including e-mail.

11. "Notice of Opposition" means Opposer's Notice of Opposition, dated April 1, 2005 in this opposition proceeding.

MATTERS FOR EXAMINATION

TOPIC FOR TESTIMONY NO. 1:

Opposer's organizational structure, including the identity of each Opposer entity other than Brink's Network, Incorporated (i.e., their parents, subsidiaries, affiliates, and predecessors in interest with regard to the Brink's Marks); the identity of each division, department, or other unit of, or area of responsibility (e.g., accounting, finance, sales, marketing, licensing, legal, etc.) within each Opposer entity; the nature of each Opposer entity's business, including all goods and services ever made, distributed, offered for sale, or sold by each entity; and the legal and business relationships between and among the Opposer entities.

TOPIC FOR TESTIMONY NO. 2:

The personnel of each Opposer entity who are most knowledgeable with respect to the use of the Brink's Marks in connection with any Brink's Product or Brink's Service identified in the Notice of Opposition, including the positions the personnel held, and the dates they held such positions.

TOPIC FOR TESTIMONY NO. 3:

The history of adoption and use of the Brink's Marks in the United States by Opposer from the first use of the Brink's Marks to the present, including the identity of each specific Brink's Mark used; the identity of each specific Brink's Product (including model number, name, SKU, and other trade designation) and each Brink's Service on or in connection

with which each such Brink's Mark has been used; the dates of first use of each such Brink's Mark on or in connection with each such Brink's Product and Brink's Service; the identity of the Opposer entity that first used each such Brink's Mark on or in connection with each such Brink's Product and Brink's Service; whether the use of each such Brink's Mark on or in connection with each such Brink's Product and Brink's Service product has been continuous from first use to the present, and, if use was ever discontinued or interrupted, the dates of discontinuance or interruption and the reasons therefor.

TOPIC FOR TESTIMONY NO. 4:

The amount of sales annually in dollars in the United States by Opposer of each different Brink's Product and Brink's Service from its introduction to the present.

TOPIC FOR TESTIMONY NO. 5:

The channels of distribution for each Brink's Product and Brink's Service ever offered for sale and sold under Opposer's Brink's Marks, including the identity of each distributor, retailer, and/or licensee who has sold or provided any such Brink's Products or Brink's Services; the identities of the Brink's Products or Brink's Services they sold or provided; and the time periods during which they sold or provided such Brink's Products or Brink's Services.

TOPIC FOR TESTIMONY NO. 6:

The purchasers and prospective purchasers for each Brink's Product and Brink's Service ever offered for sale and sold under Opposer's Brink's Marks, classified by demographics, geography and other criteria as used by Opposer.

TOPIC FOR TESTIMONY NO. 7:

All advertising and promotion of the Brink's Products and the Brink's Services under Opposer's Brink's Marks, including for each advertisement or promotion, the nature or type of media (e.g., web site, television/cable, radio, magazine, newspaper, mailer, trade show, etc.); the dates of each advertisement or promotion; the identity of the specific media used (e.g., web site URL, television, cable or radio station channel, magazine or newspaper name, etc.); the demographics and size of the audience targeted by the advertising or promotion; the Brink's Marks and the Brink's Products and Brink's Services advertised or promoted; the cost of the advertising and promotion; and the identity of all witnesses and documents evidencing the advertising and promotion.

TOPIC FOR TESTIMONY NO. 8:

Any grants of rights, including any assignments and licenses, ever made in or to Opposer's Brink's Marks, including the date of each grant; the identity of the grantor and the grantee; the nature of the rights granted; the terms and conditions of the grant; whether the grant is in effect and, if not, when, how and why the grant was terminated; and the identity of all witnesses and documents evidencing the grant.

TOPIC FOR TESTIMONY NO. 9:

Opposer's earliest knowledge of Brinkmann, including the date, the identity of the individual(s), and the circumstances of acquiring such knowledge; and the identity of all witnesses and documents evidencing such knowledge.

TOPIC FOR TESTIMONY NO. 10:

Opposer's earliest knowledge of any Brinkmann Products manufactured, distributed, or marketed by or on behalf of Brinkmann, including the date, the identity of the

individual(s), and the circumstances of acquiring such knowledge; and the identity of all witnesses and documents evidencing such knowledge.

TOPIC FOR TESTIMONY NO. 11:

Opposer's earliest knowledge of any application to register or registration by Brinkmann of any Brinkmann Mark, including the date, the identity of the individual(s), and the circumstances of acquiring such knowledge; and the identity of all witnesses and documents evidencing such knowledge.

TOPIC FOR TESTIMONY NO. 12:

All investigations, if any, ever conducted by or on behalf of Opposer of Brinkmann, Brinkmann's manufacture, distribution, or marketing of Brinkmann Products, and/or Brinkmann's use of any Brinkmann Marks, including the dates of each such investigation, the persons performing each such investigation, how each such investigation was performed, the results of the investigation, and the identity of all witnesses and documents evidencing each such investigation.

TOPIC FOR TESTIMONY NO. 13:

All communications between Opposer, on the one hand, and any other person on the other hand, concerning Brinkmann, any Brinkmann Products manufactured, distributed, or marketed by or on behalf of Brinkmann, or any Brinkmann Mark used or registered by Brinkmann, including the date of the communication; its mode (in person, telephone, correspondence, e-mail, etc.); the individuals participating in the communication; the substance of the communication; and the identity of all witnesses and documents evidencing the communication.

TOPIC FOR TESTIMONY NO. 14:

All communications among the Opposer entities concerning Brinkmann, any Brinkmann Products manufactured, distributed, or marketed by or on behalf of Brinkmann, or any Brinkmann Mark used or registered by Brinkmann, including the date of the communication; its mode (in person, telephone, correspondence, e-mail, etc.); the individuals participating in the communication; the substance of the communication; and the identity of all witnesses and documents evidencing the communication.

TOPIC FOR TESTIMONY NO. 15:

All reasons for the time that Opposer allowed to pass after learning of Brinkmann, any Brinkmann Products manufactured, imported, distributed, offered for sale, or sold by or on behalf of Brinkmann, or any Brinkmann Mark used, applied to be registered, or registered by Brinkmann, before Opposer communicated its objection to Brinkmann of the Brinkmann Mark, including all facts, and the identity of all witnesses and documents evidencing such facts, pertaining to the reasons for allowing such passage of time.

TOPIC FOR TESTIMONY NO. 16:

All instances, if any, in which Opposer has ever received any inquiries as to whether any Brinkmann Products manufactured, distributed, or marketed by or on behalf of Brinkmann are associated with, sponsored by, or in any manner connected with the Opposer, including the identity of the person making the inquiry; the date, location, and complete circumstances of the inquiry; and the identity of all witnesses and documents evidencing the inquiry.

TOPIC FOR TESTIMONY NO. 17:

All instances, if any, of actual confusion between Opposer or any Brink's Products or Brink's Services, on the one hand, and Brinkmann or its Brinkmann Products, on the other hand, including the identity of the person confused; the date, location, and complete circumstances of the confusion; and the identity of all witnesses and documents evidencing the confusion.

TOPIC FOR TESTIMONY NO. 18:

All instances of any customer complaints concerning any Opposer entity, or any Brink's Product or Brink's Service offered for sale or sold by or on behalf of any Opposer entity.

TOPIC FOR TESTIMONY NO. 19:

All uses, applications to register, and registrations in the United States of any mark incorporating "Brink" by any person other than Brinkmann of which Opposer has ever been aware, including the identity of such other person; the specific "Brink" mark used, applied for, or registered; the goods or services on or in connection with which the "Brink" mark was used, applied for, or registered; the date when Opposer became aware of such use, application to register, or registration; and the identity of all witnesses and documents evidencing such awareness.

TOPIC FOR TESTIMONY NO. 20:

All efforts by or on behalf of Opposer to police the marketing of any Brink's Product or Brink's Service, or the use or registration of any mark incorporating "Brink", by any persons in the United States other than Brinkmann, including the dates or time period of the policing efforts; the identities of the persons who were or are being policed; the activities of such persons that were policed; the nature of the policing action taken (e.g., investigations, cease and

desist communications, opposition or cancellation proceedings, seizures, lawsuits, or other legal proceedings); the identities of the persons doing the policing; the status and outcome of the policing efforts; and the identity of all witnesses and documents evidencing such policing efforts.

TOPIC FOR TESTIMONY NO. 21:

Any trademark, service mark or trade name searches, analyses, studies, evaluations, or opinions of counsel by or on behalf of any Opposer entity concerning any Brink's Mark; and the identity of all witnesses and documents evidencing such searches, analyses, studies, evaluations or opinions.

TOPIC FOR TESTIMONY NO. 22:

Any market, secondary meaning, or likelihood of confusion surveys, pre-surveys, test surveys or the like conducted on or regarding any Brink's Mark, Brink's Goods, or Brink's Services; and the identity of all witnesses and documents evidencing such surveys, pre-surveys, test surveys or the like.

TOPIC FOR TESTIMONY NO. 23:

The basis for the allegation in paragraph 8 of the Notice of Opposition that Opposer has engaged in "maintenance of premium quality standards", including all facts supporting the allegation, and the identity of all witnesses and documents evidencing such facts.

TOPIC FOR TESTIMONY NO. 24:

The basis for the allegation in paragraph 8 of the Notice of Opposition that purchasers "have come to recognize the mark BRINK'S as a singular, highly distinctive indication of origin", including all facts supporting the allegation, and the identity of all witnesses and documents evidencing such facts.

TOPIC FOR TESTIMONY NO. 25:

The basis for the allegation in paragraph 8 of the Notice of Opposition that Opposer has "established valuable good will and exclusive rights" in the Brink's Mark, including all facts supporting the allegation, and the identity of all witnesses and documents evidencing such facts.

TOPIC FOR TESTIMONY NO. 26:

The basis for the allegation in paragraph 9 of the Notice of Opposition that the Brink's Mark "had become exceedingly well-known and a famous mark...long prior to the filing date of the opposed application", including all facts supporting the allegation, and the identity of all witnesses and documents evidencing such facts.

TOPIC FOR TESTIMONY NO. 27:

The basis for the allegation in paragraph 19 of the Notice of Opposition that Opposer's goods and Brinkmann's goods are "commercially related, and are likely sold and/or rendered to the same or overlapping classes of purchasers", including all facts supporting the allegation, and the identity of all witnesses and documents evidencing such facts.

TOPIC FOR TESTIMONY NO. 28:

The basis for the allegation paragraph 19 of the Notice of Opposition that "purchasers, prospective purchasers and others are likely to be confused, mistaken or deceived into the belief, contrary to fact, that Applicant's home security systems and components sold under the mark BRINKMANN emanate from and/or are in some way sponsored or approved by Opposer and/or that Applicant is somehow affiliated with Opposer, thereby damaging Opposer", including all facts supporting the allegation, and the identity of all witnesses and documents evidencing such facts.

TOPIC FOR TESTIMONY NO. 29:

The basis for the allegation in paragraph 20 of the Notice of Opposition that "Applicant's mark BRINKMANN, as used in connection with the home security systems and components described in the opposed application, so resembles Opposer's previously used and/or registered marks BRINK'S, BRINK'S & Design, BRINK'S (stylized), BRINK'S HOME SECURITY, and BRINK'S HOME SECURITY & Design as to be likely to cause confusion, to cause mistake or to deceive within the meaning of § 2(d) of The Federal Trademark Act, thereby damaging Opposer", including all facts supporting the allegation, and the identity of all witnesses and documents evidencing such facts.

TOPIC FOR TESTIMONY NO. 30:

The basis for the allegation in paragraph 21 of the Notice of Opposition that Applicant's "use of the mark BRINKMANN in connection with the home security systems and components described in the opposed application dilutes and/or is likely to dilute the distinctiveness of Opposer's famous marks BRINK'S, BRINK'S & Design, BRINK'S (stylized), BRINK'S HOME SECURITY, and BRINK'S HOME SECURITY & Design as to be likely to cause confusion, to cause mistake or to deceive within the meaning of § 43(c) of the Federal Trademark Act", including all facts supporting the allegation, and the identity of all witnesses and documents evidencing such facts.

TOPIC FOR TESTIMONY NO. 31:

The basis for the allegation in paragraph 19, 20 and 24 of the Notice of Opposition that Opposer has suffered "damage", including all facts supporting the allegation, and the identity of all witnesses and documents evidencing such facts.

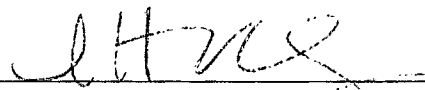
TOPIC FOR TESTIMONY NO. 32:

The identification of all documents and things that Opposer may use at trial or any evidentiary hearing in this matter.

CERTIFICATE OF SERVICE

This is to certify that I have this day caused to be served a copy of the foregoing
"Applicant The Brinkmann Corporation's Notice of Deposition of Opposer Brink's Network,
Incorporated under FED. R. CIV. P. 30(B)(6)" by hand-delivery to: Nancy S. Lapidus, counsel for
Opposer, at Howrey LLP, 1299 Pennsylvania Avenue, N.W., Washington, DC 20004.

Dated: January 16, 2007



Susan Hwang, Esq.
Sheppard, Mullin, Richter & Hampton LLP
333 South Hope Street, 48th Floor
Los Angeles, California 90071
Tel.: (213) 620-1780
Fax: (213) 620-1398

Attorneys for Applicant
THE BRINKMANN CORPORATION

Brinkmann Exhibit G

Brink's Network, Incorporated v. The Brinkmann Corporation

Opposition No. 91164764



333 South Hope Street | 48th Floor | Los Angeles, CA 90071-1448
213-620-1780 office | 213-620-1398 fax | www.sheppardmullin.com

Susan Hwang
Writer's Direct Line: 213-617-4279
shwang@sheppardmullin.com

January 19, 2007

Our File Number: 0SEM-116943

VIA FACSIMILE

Nancy S. Lapidus, Esq.
Howrey LLP
1299 Pennsylvania Avenue, N.W.
Washington, DC 20004
Facsimile: (202) 383-7195

Re: TTAB Opposition Proceeding No. 91164764
Brink's Network v. The Brinkmann Corporation

Dear Nancy:

This will confirm that we met and conferred by telephone yesterday regarding Brinkmann's amended first set of interrogatories served on Brink's Network on December 13, 2006. You have advised me that Brink's Network will not respond to the interrogatories.

Brinkmann served a first set of interrogatories on Brink's Network on September 22, 2005, to which Brink's Network served a general objection that the interrogatories exceeded 75 in number. Proceedings were subsequently suspended by the Trademark Trial and Appeal Board. Upon resumption of proceedings, Brinkmann served the amended first set of interrogatories on December 13, 2006, to which Brink's Network served a general objection that the interrogatories in both sets exceeded 75 in number and that Brinkmann is precluded from serving additional discovery.

You stated that Brinkmann should have filed a motion to compel or conferred with Brink's Network instead of serving the amended first set of interrogatories. As we could not come to an agreement on procedure, I asked whether Brink's Network would nevertheless agree to respond to the amended first set of interrogatories rather than forcing Brinkmann to take this matter to the Board. In this regard, section 405.03(e) of the TBMP provides in part as follows:

In those cases where a party which has propounded interrogatories realizes, on receipt of a general objection thereto on the ground of excessive number, that the interrogatories are, in fact, excessive in number, **it is strongly recommended that the parties voluntarily**

Nancy S. Lapidus, Esq.

January 19, 2007

Page 2

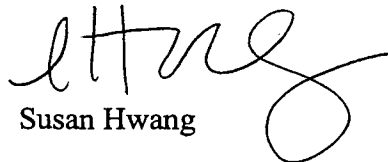
agree to the service of a revised set of interrogatories, in the manner normally allowed by the Board, instead of bringing their dispute to the Board by motion to compel.

(Emphasis added.)

You stated that Brink's Network will not agree in accordance with the above admonition to respond to the amended first set of interrogatories and persisted in the position that Brinkmann will have to file a motion to compel with the Board and obtain an order for Brink's Network to respond. Brinkmann wishes to avoid the time and expense on the part of both parties involved in such a motion to compel, as well as the burden on the Board in hearing the motion, but in light of Brink's Network's refusal, Brinkmann is left with no choice but to do so.

Please note that Brinkmann will not be in a position to take the discovery deposition of Brink's Network's 30(b)(6) designee on January 31, 2007 or any other date as the parties may agree, until Brinkmann has received responses to its amended first set of interrogatories. Accordingly, Brinkmann will have to seek an extension of the discovery cut-off date along with its motion to compel.

Very truly yours,



Susan Hwang

for SHEPPARD MULLIN RICHTER & HAMPTON LLP

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cc: Gary A. Clark, Esq.